

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BOSTON PARENT COALITION FOR
ACADEMIC EXCELLENCE CORP.,

Plaintiff,

v.

THE SCHOOL COMMITTEE OF THE CITY
OF BOSTON, ALEXANDRA OLIVER-
DAVILA, MICHAEL O'NEILL, HARDIN
COLEMAN, LORNA RIVERA, JERI
ROBINSON, QUOC TRAN, ERNANI
DeARAUJO, and BRENDA CASSELLIUS,

Defendants,

Civil Action No. 1:21-cv-10330-WGY

and

COUNSEL FOR THE BOSTON BRANCH
OF THE NAACP, GREATER BOSTON
LATINO NETWORK, ASIAN PACIFIC
ISLANDER CIVIC ACTION NETWORK,
ASIAN AMERICAN RESOURCE
WORKSHOP, MAIRENY PIMENTEL, and
H.D,

Intervenors.

AFFIDAVIT OF SHAWN A. WILLIAMS

I, Shawn A. Williams, do hereby state and depose as follows:

1. I am an attorney and a member in good standing of the Massachusetts bar.

2. I am the Director of Public Records and Records Access Officer for the City of Boston. As an attorney, I report to the Corporation Counsel for the City of Boston. I have been employed in this capacity since January 2017.

3. Prior to my employment with the City of Boston, I was employed as an attorney in the Public Records Division of the Secretary of the Commonwealth, from 2006 until December of 2016. In that capacity, I worked initially as a Staff Attorney, later as Assistant Director of Public Records, and eventually as Supervisor of Public Records and Director of the Public Records Division.

4. In my current capacity, I assist all City of Boston departments on issues associated with requests for City department records pursuant to the Massachusetts public records law and its access regulations. G. L. c. 4, § 7 (26); 950 C.M.R. 32.00. I provide legal advice, assist with collection and disclosure of records, negotiate, draft, and provide written responses to such requests.

5. Under Massachusetts law, a department is not required to provide responses through me or through my department. Similarly, requesters are not required to submit a request through me or my department. City departments seek my assistance but those departments may also provide responses on their own.

6. My role is as an advisor; the department is ultimately responsible for decisions associated with producing what it deems to be responsive and public. I provide my opinion as to what may be responsive and public, but the decision is ultimately that of the department.

7. Some City departments use the City's Law Department for legal advice, and some departments possess an internal legal staff of their own. The Boston Public Schools is one such department and employs attorneys under the Boston Public Schools Office of the Legal Advisor. Cathy Lizotte is the Legal Advisor for the Boston Public Schools.

8. The Office of the Legal Advisor for the Boston Public Schools is also part of the City of Boston Law Department.

9. To assist in the management of public records requests the City uses a platform called Govqa. A requester may file a request through the City's website at [https://bostonma.govqa.us/WEBAPP/rs/\(S\(1lrirkzwohhd5wmnd1w43e2b\)\)/supporthome.aspx](https://bostonma.govqa.us/WEBAPP/rs/(S(1lrirkzwohhd5wmnd1w43e2b))/supporthome.aspx). A requester may also make a written request by mail, email, or a facsimile. Requests are entered into the Govqa platform, and a sequential reference number is assigned to the request. The Govqa platform calculates time up to the tenth business day, as the Massachusetts law requires a response within ten business days. Requests entered into the platform are tracked, and a history of all internal and external activity is recorded. The platform permits communication between myself, requesters, my department, and other City departments to monitor the status of requests.

10. Under Massachusetts law a public record is defined as follows:

“Twenty-sixth, “Public records” shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision as defined in section 1 of chapter 32, unless such materials or data fall within [one of the enumerated exemptions]. G. L. c. 4., § 7 (26)

11. For the year ending December 31, 2020, the City's Govqa system indicates that 3,253 public records requests were filed. Approximately 60 requests were filed specifically for records from the Boston Public Schools.

12. Requests for records that include text messages are not common.

13. A records custodian is expected to use their superior knowledge of the records in responding to a request. *See A Guide to the Massachusetts Public Records Law*, Accessed July 6, 2021. <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

14. The Boston Public Schools used its superior knowledge to provide records it deemed to be “made or received” by members of the Boston School Committee (“board”) in each member’s capacity as a member of that board.

15. Under Massachusetts law, an aggrieved person may appeal a response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G. L. c. 66, § 10A (c); G. L. c. 66, § 10(b)(ix); 950 CMR 32.08; 950 CMR 32.08(1)(h) (in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition). An aggrieved person may also appeal to the Superior Court. 950 CMR 32.06(3)(c). Mr. Vaznis and Ms. Murphy were both advised of this remedy in their respective responses.

16. Both requesters, along with several others, filed renewed requests for the records in the spring of 2021.

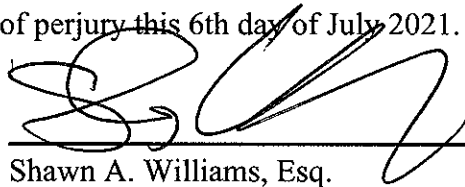
17. Both requesters were provided with new responses from the City of Boston on June 18, 2021. The new responses included a cover letter, copies of all of the screenshots of text messages provided to the Boston Public Schools by the members of the School Committee, the transcription and approximately 150 related emails. The cover letter to each requester is attached as Exhibit 1 without the screen shots, transcription or emails. I have reviewed the text messages included with Darragh Murphy’s affidavit and confirm that those are the screen shots of text messages provided on June 18, 2021.

18. It is my understanding that as of the date of this affidavit all responsive records have been provided.

19. To the best of my knowledge, neither Mr. Vaznis nor Ms. Murphy filed a petition with the Supervisor of Public Records regarding the substance of either response. Mr. Vaznis did

file a petition for failure to timely respond in June 2021, but this appeal was closed when the City of Boston provided responsive records. See *SPR21/1509 Determination of the Supervisor of Records* (June 29, 2021) (“In light of the supplemental response provided by the City, I will now consider this administrative appeal closed. Mr. Vaznis may further appeal the substantive nature of the City’s supplemental response within ninety (90) days.”).

Sworn under the pains and penalties of perjury this 6th day of July 2021.



Shawn A. Williams, Esq.